IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4160 OF 2006

Mandar Bhagirathi Warkhandkar ..Applicant
Versus
State of Maharashtra ..Respondent

Mr. A.S.Khandeparkar i/b Khandeparkar & Associates for applicant
Mr.R.Y.Mirza, APP for State

WITH

CRIMINAL APPLICATION NO.4017 OF 2006

Vishwanath alias Manoj Chandrakant Walawalkar ..Applicant
Versus
State of Maharashtra ..Respondent

Mr. A.S.Khandeparkar i/b Khandeparkar & Associates for applicant
Mr.R.Y.Mirza, APP for State

WITH

CRIMINAL APPLICATION NO.4018 OF 2006

Alwin Michel Disoza ..Applicant
Versus
State of Maharashtra ..Respondent

Mr. A.S.Khandeparkar i/b Khandeparkar & Associates for applicant
Mr.R.Y.Mirza, APP for State

CORAM : S.C.DHARMADHIKARI,J.

DATE : 27TH NOVEMBER, 2006

P.C.:

1. These applicants are arrested in connection with C.R.No.42 of 2006 alleging offences punishable under Sections 307, 353, 323 read with 34 of the Indian Penal Code. The FIR has been registered at Vengurla Police Station.

2. It appears from the perusal of the FIR that some unknown persons were apprehended by the Policemen on duty. These persons were driving a vehicle which, it was suspected, was carrying illicit foreign liquor. Instead of stopping the vehicle the driver thereof tried to run it over the policemen on duty and that is how the FIR came to be registered.

3. At this stage, in all fairness, it is not disputed by the prosecution that as far as these applicants are concerned no offence under Bombay Prohibition Act has been booked. Similarly, the driver of the vehicle was not one amongst some of the applicants before me. One was sitting next to the driver and the other was found riding a motorcycle. The vehicle was driven by the Applicant in Criminal Application No.4018 of 2006. However, nothing has been pointed out qua him so as to deny him bail.

4. It is further not disputed that the co-accused have been enlarged on bail.

5. Mr. Khandeparkar invites my attention to the fact that there is delay in lodging FIR. It does not disclose the name of the driver and if the vehicle was containing the illicit liquor an offence definitely would have been registered under the Bombay Prohibition Act.

6. From a perusal of the aforesaid material including the order of the trial court I find that the applicants have made out a case for enlarging them on bail. More so, when the co-accused have been enlarged on bail. In such circumstances, the following order would meet the ends of justice.

ORDER :

(i) The applicants (1) Mandar Bhagirathi Warkhandkar (2) Vishwanath @ Manoj Chandrakant Walawalkar and (3) Alwin Michel Disoza arrested in connection with C.R.No.42 of 2006 registered with

Vengurla Police Station shall be enlarged in the sum of Rs.15,000/= each with one or two local sureties in the like amount.

(ii) The applicants would report to Vengurla Police Station, once in a week till the charge-sheet is filed and thereafter as directed by the trial court.

(iii) The order of bail will be given effect only after the Applicants furnishes to the investigating officer the details about their place of residence and addresses where they proposes to stay after they are enlarged on bail. The applicants will not change their residential address thereafter till the conclusion of the trial without prior intimation to the investigating office.

(iv) The bail is granted subject to condition that the applicants shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(v) The applicants shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trail may be a ground for cancellation of bail.

(vi) Any observation made in this order shall not be construed as any finding or any expression of opinion of the merits of the case at the time of trial.

(vii) Application is disposed of in above terms.

(viii) Parties to act on an authenticated copy of this order.

(S.C.Dharmadhikari, J.)